



Legislative Bulletin.....October 16, 2001

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H.Con.Res. 217—...Paying tribute to the United States-Australia relationship... (Hyde)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 16th, under a motion to suspend the rules and pass the bill.

Summary: The resolution states that Congress:

- pays tribute to the long-standing relationship between the United States and Australia;
- looks forward to the continued growth and development of all aspects of the relationship;
- reaffirms the commitment of the United States to its alliance with Australia under the ANZUS Treaty and to the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments;
- reaffirms the importance of the trade and economic relationship between Australia and the United States and expresses its commitment to further strengthen it;
- expresses its strong support for continued close cooperation between Australia and the United States on economic and security issues in the Asia-Pacific region and globally; and
- welcomes the state visit by Australian Prime Minister John Howard.

Additional Background: Prime Minister Howard was visiting Washington around the time of the terrorist attacks in September and had to cut his state visit short. According to the Embassy of Australia, Prime Minister Howard currently has no plans to return to the United States in the near future.

September 1, 2001, was the 50th anniversary of ANZUS, the alliance between Australia, New Zealand, and the United States.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1465— To authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes. (Brownback)

Order of Business: The bill is scheduled to be considered on Tuesday, October 16th, under a motion to suspend the rules and pass the bill.

Summary: S. 1465 would exempt Pakistan (through fiscal year 2003) from any current-law or annual-appropriation prohibition on providing direct assistance (and on other provisions regarding foreign country loan defaults) to a country whose duly elected head of government was deposed by decree or military coup. The President would have to consult with Congress at least five days prior to obligating appropriated funds to Pakistan.

The bill would also give the President increased flexibility in granting waivers of export controls on defense-related and dual-use products for Pakistan and would shorten applicable deadlines and advance-notice requirements for the transfer of excess defense articles to “respond to, deter, or prevent acts of international terrorism.”

Most of the bills provisions, unless otherwise indicated, expire at the start of fiscal year 2003.

S. 1465 passed the Senate on October 4, 2001, by unanimous consent.

Additional Background: Many of the sorties American fighters are flying in the retaliatory strikes against Afghanistan have used Pakistani airspace.

Cost to Taxpayers: CBO is not able to estimate what effect S. 1465 would have on federal spending, given the contingent nature of many of the bill’s provisions. However, since the bill would waive the normal \$50 million limit in direct assistance for any one country in any year, S. 1465 would authorize more than \$50 million to be provided directly to Pakistan.

Does the Bill Create New Federal Programs or Rules?: S. 1465 would waive or relax aspects of current law and annual appropriations acts regarding foreign assistance.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 1552—Internet Tax Nondiscrimination Act (Cox)

Order of Business: The bill is scheduled to be considered on Tuesday, October 16th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1552 would extend the moratorium on state and local taxation of Internet access and multiple and discriminatory taxation of e-commerce through November 1, 2003. The current moratorium went into effect on October 1, 1998, and is set to expire this Saturday, October 21st. States that are currently collecting (and had been collecting prior to October 1, 1998) a sales tax on Internet access could continue doing so. States and localities would still be able to tax e-commerce that is harmful and unrestricted to minors.

Additional Background: H.R. 1552 as originally introduced would have extended the current Internet tax moratorium through December 31, 2006. On October 10, 2001, the Judiciary Committee amended this extension up to November 1, 2003, and reported the amended bill by voice vote to the House floor.

Cost to Taxpayers: CBO estimates that implementing H.R. 1552 would have no impact on the federal budget (since the bill only applies to state and local taxes). The bill would allow states that are currently collecting sales tax on Internet access to continue doing so and would therefore not affect state and local revenues currently being collected.

Does the Bill Create New Federal Programs or Rules?: No, it would extend current law.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.Con.Res. 248—Expressing the sense of the Congress that public schools may display the words "God Bless America" as an expression of support for the Nation (Brown, Henry)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 16th, under a motion to suspend the rules and pass the bill.

Summary: The resolution states that it is the sense of Congress that public schools may display the words "God Bless America" as an expression of support for the Nation.

Cost to Taxpayers : None.

Does the Bill Create New Federal Programs or Rules? No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 2272 —To amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats. (Kirk)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, October 16, 2001.

Summary: The bill authorizes the President to forgive debt to low- and middle-income countries in exchange for efforts to protect their coral reefs “or other coastal marine resource that is of conservation concern.” The bill establishes an entity in the Dept. of Treasury known as the “Coral Reef and Other Coastal Marine Resources Facility” to administer this debt relief for coral reef program. Committee staff tells RSC that this is not a new entity and that the already established Enterprise for the Americas Board will qualify as the facility. The bill expands the Enterprise for the Americas Board to four additional Members and expands their duties to include Coral Reef agreements.

When the US “forgives” foreign government’s debt, Congress must appropriate money to the Treasury that would otherwise have come from the foreign government’s payments. At the same time, a local fund is usually set up in the foreign country which receives payments from its government that otherwise would have been sent to the US. H.R. 2272 authorizes the Secretary of State to incorporate the Coral Reef and other Marine Resources agreement into the local funds’ activities. In other words, instead of paying the US back, countries will use their would-be debt repayment money to help protect coral reefs in their own country.

Cost to Taxpayers: CBO estimates that the bill would authorize \$10 million a year in 2002 through 2005, subject to appropriation (\$37 million over the 2002-2006 period). The bill authorizes “such sums as may be necessary for each of the fiscal years 2002-2005.

Constitutional Authority: A Committee report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill expands the authorization of debt relief to the area of coral reef and costal preservation programs following on the Congress’ recent expansion debt relief to Tropical Forrest Conservation programs. It creates additional annual reports to Congress, though Committee staff tells RSC the information can be added to current annual reports already submitted.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 2336—To make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers. (Coble)

Order of Business: The bill is scheduled to be considered on Tuesday, October 16th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2336 would repeal the sunset provision in the Ethics in Government Act of 1978 relating to the authority of certain judicial employees and judicial officers to revise their financial disclosure statements. The redaction privilege is currently set to expire on December 31, 2001.

Additional Background: The annual financial disclosure reports required of judicial employees and officers by the Ethics in Government Act give the public the ability to monitor and judge the performance of those officials. Revisions to the financial disclosure statements have generally been allowed only in a few cases where judges or their family members were endangered by the release of the information. H.R. 2336 would permanently allow such revisions.

Cost to Taxpayers: CBO estimates that implementing H.R. 2336 would have no significant impact on the federal budget.

Does the Bill Create New Federal Programs or Rules?: The bill would make permanent a provision of current law set to expire at the end of this calendar year.

Constitutional Authority: The Judiciary Committee (in House Report 107-239) cites constitutional authority in Article III, Section 1 (power of Congress to “ordain and establish” federal courts; stipulations of good behavior and compensation for federal judges).

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H.R. 863 — To provide grants to ensure increased accountability for juvenile offenders (Lamar Smith)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, October 16, 2001.

Summary: H.R. 863 authorizes \$50 million per year for the Attorney General to make grants designed to strengthen the juvenile justice system to state, local, and tribal governments. The bill authorizes 16 types of activities for which the state or unit of local government can use the funds. Among the authorized programs in addition to hiring more judges and prosecutors is:

- establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;
- establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal act; and
- establishing and maintaining restorative justice programs (defined as a “program that emphasizes the moral accountability of an offender toward the victim and the affected

community, and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.”)

States must submit to the Attorney General verification, among other things, that their state and local units receiving funds has a system of “graduated sanctions” in place within one year of enactment. The Committee report stresses the importance of graduated sanctions which the bill defines as a system that at a minimum ensures that, “(1) sanctions are imposed on a juvenile offender for each delinquent offense; (2) sanctions escalate in intensity with each subsequent, more serious delinquent offense; (3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and (4) appropriate consideration is given to public safety and victims of crime.

A State or locality may still qualify for a grant even if its system of graduated sanctions is discretionary, allowing juvenile courts to not participate. If an applicant's system is discretionary, however, then the non-participating juvenile courts must report at the end of the year why they did not impose graduated sanctions.

Further Background: According to the Committee, in 1999, law enforcement agencies made an estimated 2.5 million juvenile arrests in the United States. In 1999, 17 percent of all arrests and 16 percent of all violent crime arrests were juveniles. More specifically, 9 percent of murder arrests, 14 percent of aggravated assault arrests, percent of burglary arrests, percent of robbery arrests and 24 percent of weapons arrests involved juveniles.

Cost to Taxpayers: CBO estimates that the bill H.R. 863 would authorize the appropriation of \$500 million for each of fiscal years 2002 through 2004 (\$1.5 billion over the FY02-06 period.)

Constitutional Authority: Committee reports number 107-46 finds the authority for this legislation in Article I, section 8, of the Constitution (Powers of Congress) but fails to cite a specific clause.

Does the Bill Create New Federal Programs or Rules: H.R 863 amends Part “R” of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize, with various changes, the Juvenile Accountability Incentive Block Grant (“JAIBG”) program that were set to expire on October 1, 2001.

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